

neodymia, lanthana or mixtures of these components may be loaded on ceria/zirconia mixed oxide to contain ceris/zirconium mixed oxide compounds. (See, e.g., paragraphs [0012] - [0019]).

Reisinger merely indicates that the noble metal is loaded on support materials comprising metal oxides. Reisinger does not indicate a ratio of the metal oxide in the loading layer. Specifically, disclosed examples comprise alumina-composite oxide-Pr5011-zirconium. With reference to Table 1, Reisinger shows an example in which alumina is contained in the amount of 50% by weight in the loading layer, *i.e.*, alumina is a main component of the loading layer. With reference to, for example, paragraphs [0018] and [0019] of Reisinger, the Office Action alleges that Reisinger can reasonably be considered to teach the combination of all of the features positively recited, for example, in independent claim 1. The analysis of the Office Action fails for at least the following reasons.

Claim 1 recites, an exhaust-gas purifying catalyst, comprising: a catalyst support substrate; a loading layer formed on the catalyst support substrate, and comprising cerium oxide and zirconium oxide in a summed amount of 80% by weight or more with respect to the entire loading layer taken as 100% by weight, or a cerium-zirconium compound in an amount of 80% by weight or more with respect to the entire loading taken as 100% by weight, and at least one additive member selected from the group consisting of yttrium, lanthanum, iron and potassium; and a catalytic ingredient loaded on the loading layer. There is no allegedly corresponding loading layer disclosed in Reisinger that includes this combination of features. The Office Action appears to select ranges for the substrate in Reisinger as allegedly disclosing these features. There is, however, nothing in Reisinger that teaches the composition of the loading layer, as positively recited in independent claim 1.

Further, simply because Reisinger appears to disclose some elemental composition in a broad range does not anticipate the subject matter of the pending claims. In instances where

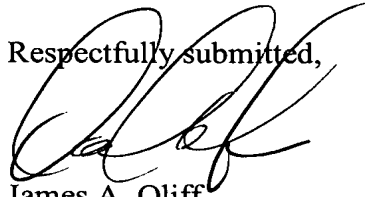
a prior art reference is alleged to teach a range within, overlapping or touching the claimed range, but provides no specific example falling within the claimed range, MPEP §2131.03.II. instructs that the apparently anticipating range must be "disclosed in the [applied] reference with 'sufficient specificity to constitute anticipation under the statute.'" The MPEP section goes on to state what constitutes "sufficient specificity." In such an instance, as is the case here, where the claims recite a narrow range, with a specific disclosed benefit attributable to the narrow range, and the reference teaches a broad range, it is not reasonable to conclude that the narrow range is anticipated because the broad range is not disclosed with sufficient specificity to constitute anticipation of the claims. In other words, simply asserting that the claimed range is somewhere within a broad set of potential ranges, advantages of the narrow ranges not being foreseen, does not make the narrow range, as claimed, anticipated.

In summary, based on the Office Action's analysis which appears to require an unreasonable construction regarding Reisinger for the totality of what that reference teaches, and specifically because the reference does not establish with sufficient specificity the claimed range, Reisinger cannot reasonably be considered to teach, or to have suggested, at least the combination of all the features positively recited in independent claim 1. Further, claims 2-4 are also neither taught, nor would they have been suggested, by Reisinger for at least the dependence of these claims on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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